

## **Article 20 LAYOFF PROCEDURES**

### **§ 20.1 Definitions**

**§ 20.1.1** An "employee" for the purposes of this Article is a probationary or permanent employee of the District.

**§ 20.1.2** A "layoff" is an involuntary reduction in months or hours or separation from the classified service or reassignment to a lower classification in lieu of layoff due to lack of work or lack of funds.

**§ 20.1.3** "Voluntary layoff" is employee consent to a reduction of months or hours or assignment to lower classification in lieu of layoff.

### **§ 20.2 Seniority Procedures**

**§ 20.2.1** Employees serving in current class prior to July 1, 1971 shall have seniority based on their initial date of hire as a probationary employee in their class.

**§ 20.2.2** Employees serving in a class on or after July 1, 1971 shall have seniority based on the number of hours in paid status in the class plus equal or higher classes and exclusive of overtime hours.

### **§ 20.3 Computation of Seniority**

**§ 20.3.1** Computation of seniority in the class shall include hours in paid status up to a maximum of 40 hours per week including:

- a. Vacation, sick leave, military (reserves), and other paid leaves.
- b. Unpaid military leave pursuant to Ed. Code 88116.
- c. Temporary increases and decreases in assignments held as a regular classified employee.

**§ 20.3.2** Computation of seniority shall not include:

- a. Hours served or compensated for in a limited term or provisional assignment (substitute or STNC) prior to entering into the classified service.

**Article 20 LAYOFF PROCEDURES (Continued)**

**§ 20.3 Computation of Seniority (Continued)**

**§ 20.3.2** Computation of seniority shall not include:

- b. Any hours compensated in excess of 40 hours per week.
- c. Time in unpaid status including unpaid leave and docked time except for military leaves as specified in 20. 3.1b and any Voluntary Time off (VTO) in excess of Mandatory Time Off (MTO) or Furlough Time.

**§ 20.4 Computation of Seniority When Classifications Change**

**§ 20.4.1 Previous Classification still exists. Employee Transfers or Promotes.**

An employee who transfers from one class to another, or who is promoted to a higher class shall retain his/her seniority in the former class; seniority in the new class shall begin accumulating on the effective date of the transfer or promotion.

**§ 20.4.2 Previous Classification still exists, Employee Reclassified.**

An employee that is reclassified from one class to another shall retain seniority in the former class; seniority in the new class shall begin accumulating on the effective date of the reclassification.

**§ 20.4.3 Previous Class is Abolished Due to Reclassification**

When reclassification results either in the merger of two (2) or more classes into a newly created class and the abolishment of the previous class, or the separation of a class into two (2) or more newly created classes, and the abolishment of the previous class, then seniority rights of regular employees who are reclassified with their positions shall be computed from the date the employee first began regular service in the former class.

**§ 20.4.4 None of the Above**

If none of the options above pertain, a committee of two employees from Human Resources and two SEIU CEC members will meet and decide where seniority should be credited.

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**§ 20.4 Computation of Seniority When Classifications Change (Continued)**

**§ 20.4.5 Equal Seniority**

If two (2) or more employees subject to layoff have equal class seniority, the determination as to who shall be laid off will be made on the basis of the earliest hire date, and if that be equal, then the determination shall be made by lot.

**§ 20.5 Seniority Lists**

**§ 20.5.1** Seniority lists shall be prepared or updated for each class on a yearly basis by November 1 to include seniority accrued through June 30<sup>th</sup> of that year.

**§ 20.5.2** When a seniority list is initially established or updated, the list shall be made available to the employees for review during a ten (10) working day period.

**§ 20.5.3** During the review period, an employee who believes that an error has been made on his/her seniority computation shall notify the Vice President of Human Resources, who shall review the computations along with any additional information provided by the employee. The Vice President of Human Resources will provide the results of the review to the employee within 30 calendar days.

**§ 20.5.4** The updated seniority list approved by the Vice President of Human Resources, will then be available for inspection in the Human Resources Department. In addition, the list will be provided to SEIU.

**§ 20.5.5** Any seniority list will have as a minimum the following information: Position (classification), employee name, hire date, position starting and ending dates, hours in position, seniority ranking, and FTE expressed as decimal number. It will include all the positions (classifications) that a current employee has held along with the seniority ranking in each class.

**§ 20.6 Application**

**§ 20.6.1** The employee with the least seniority in the affected classification plus seniority accrued from serving in a higher classification, shall be laid off first.

**Article 20 LAYOFF PROCEDURES (Continued)**

**§ 20.6 Application (Continued)**

**§ 20.6.2** Any employee who voluntarily consents to a reduction in months or hours of employment or assignment to a lower class, as determined by the District, than that in which the employee has permanence in order to avoid interruptions of employment is a voluntary layoff.

**§ 20.7 Displacement Rights**

**§ 20.7.1** Permanent classified employees, who are to be laid off may exercise bumping rights in their class or in any lower class in which they have served and hold seniority credit greater than an incumbent. The employee bumped shall be the one with the least seniority in the class plus related equal or higher classes. In determining bumping rights, the following rules shall apply:

1. In cases of reclassification, reorganization, or abolishment of positions, an incumbent's seniority in the class plus equal or higher related classes shall be computed as outlined above.
2. Displacement shall be in descending order of assigned time within the classifications.

Example 1: Position "A" is eliminated. "A" bumps "F", "F" bumps "G".

Example 2: Position "F" is eliminated. "F" bumps "G".

<u>Employee</u>	<u>Hours in Class Assigned Time</u>	
A	1,000	40
B	900	19
C	800	30
D	750	40
E	700	40
F	600	40
G	500	19

3. Employees exercising displacement rights shall bump the least senior employee in accordance with Section 20.2, "Seniority Procedures". A seniority list including the assigned times will be provided by Human Resources.

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**§ 20.7 Displacement Rights (Continued)**

4. An employee accepting a position in a lower classification in lieu of layoff shall be placed on a step in the service of the lower classification which is nearest to, but not higher than, the salary he/she would have earned in the former classification:
  - a. In any case, the employee salary placement shall not exceed the salary he/she would have earned in the former classification.
  - b. In any case, the salary shall not exceed the maximum step of the current classification.
  - c. The employee will retain his/her anniversary date for subsequent salary advancement.
  - d. Salary increments based upon longevity shall continue to be paid in the new classification.

**§ 20.7.2** An employee displaced from his/her classification as a result of being bumped shall have the same bumping rights as set forth in Section 20.4.1.

**§ 20.7.3** Employees who retire in lieu of layoff shall retain their reemployment rights set forth in the Education Code.

**§ 20.8 Notice**

**§ 20.8.1** A written notice of layoff shall be given to affected employees no later than sixty (60) days prior to the effective date of the layoff.

**§ 20.8.2** Employees employed in specially funded programs terminating at the end of the school year shall be given written notice on or before April 29 of their termination effective June 30. Employees employed in specially funded programs terminating at a date other than June 30 shall be given written notice of termination not less than sixty (60) days prior to the effective date of their layoff.

**§ 20.8.3** Notice may be waived in the event of an actual and existing financial inability to pay salaries of classified employees.

**Article 20 LAYOFF PROCEDURES (Continued)**

**§ 20.8 Notice (Continued)**

**§ 20.8.4** The notice shall contain:

1. The employee's displacement rights, if any;
2. The employee's reemployment rights; and
3. The employee's right to discuss the layoff with the Vice President of Human Resources.

**§ 20.9 Reemployment Rights**

**§ 20.9.1** The names of employees laid off shall be placed on reemployment lists in the reverse order of layoff. Employees laid off shall be placed on a reemployment list for thirty-nine (39) months from date of layoff. Voluntary reassignment or demotion in lieu of layoff employees shall be placed on reemployment lists for an additional twenty-four (24) months.

**§ 20.9.2** Reemployment shall be in the reverse order of layoff.

**§ 20.9.3** An individual shall have ten (10) working days from date of mailing in which to accept an offer of reemployment.

**§ 20.9.4** An individual on a reemployment list may decline two (2) offers of reemployment in his/her former classification. After the second refusal, no additional offers need be made, except, based on good cause, the District may permit a third offer. Thereafter, such individual must notify the District in writing of her/his desire to be reactivated on the reemployment list.

**§ 20.10 Retirement in Lieu of Layoff**

**§ 20.10.1** Any employee in the bargaining unit may elect to accept a service retirement in lieu of layoff, voluntary demotion, or reduction in assigned time. Such employee shall within ten (10) work days prior to the effective date of the proposed layoff, complete and submit a form provided by the District for this purpose.

**§ 20.10.2** An employee who elects Retirement in Lieu of Layoff shall be placed on an appropriate reemployment list. If the employee declines an offer of reemployment in his/her former classification, he/she shall be deemed to be permanently retired.

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**§ 20.11 Miscellaneous**

**§ 20.11.1** The District shall notify SEIU prior to any decision to reduce hours of any bargaining unit employee and prior to any notice of layoffs being given.

**§ 20.11.2** The District shall provide SEIU with the current Seniority Roster at such time as any reduction in hours of layoff is initiated.

**§ 20.11.3** The decision to reduce hours or layoff employees shall not be subject to grievance.

**§ 20.11.4** Employees on a reemployment list shall be given prior consideration for service as substitute employees at the appropriate substitute rate established by the District.

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